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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:11-CR-310 JCM (CWH)

8 Plaintiff(s),

ORDER

9 v.

10 JACOB LILL, et al.

11 Defendant(s).
12

13 Presently before the court is defendant Jacob Lill's motion for early termination of supervision.
14 (ECF No. 349). A response was due by July 28, 2017 and the United States has not responded.
15 The motion is granted.

16 **I. Facts**

17 Because the United States has not responded to Lill's motion, and granting this motion is
18 favorable to the defendant, this court need not hold a hearing on this matter, *see* Fed. R. Crim. P.
19 32.1(c)(2), and this court presumes the facts presented in defendant's motion are true.

20 On March 20, 2014, pursuant to a guilty plea, this court convicted Lill of one count of
21 conspiracy to distribute marijuana, a violation of 21 U.S.C. § 846, and sentenced him to 24 months
22 in custody followed by three years of supervised release. (ECF NO. 349 at 2). The parties later
23 stipulated to reduce his term of imprisonment to 18 months. (*Id.*).

24 Before his conviction, Lill served two years and ten months of pretrial supervision. (*Id.*).
25 He began his federal imprisonment sentence on June 9, 2014 when he self-surrendered to the
26 United States Marshals. (*Id.*). He began his term of supervised release on October 31, 2015 and
27 is currently being supervised in the state of Colorado. (*Id.*).
28

1 Over the course of his pretrial supervision, imprisonment, and supervised release, Lill has
2 never produced a positive drug test and has been fully compliant with the terms of his pretrial
3 release, custody, and supervised release. (*Id.*). He has not reoffended. (*Id.*). Lill has successfully
4 completed intensive drug and alcohol treatment that includes cognitive behavioral therapy. (*Id.* at
5 3).

6 Mr. Lill was transferred from Nevada to Colorado for supervised release where he could
7 obtain employment and raise his son. (*Id.*). Lill is a single father of an 11-year-old son and
8 provides his son a stable residence. (*Id.* at 4). Lill is no longer associated with the marijuana
9 industry. (*Id.* at 3). Lill now works as the acting CEO of a real estate company and hopes to obtain
10 the role of permanent CEO by September 1, 2017. (*Id.*). Lill claims that this new role will require
11 him to travel, which will be complicated or made impossible by remaining on supervised release.
12 (*Id.*). Therefore, he asks for early termination of supervised release.

13 **II. Legal Standard**

14 The statute governing early termination of supervision provides that the court, after
15 considering certain factors set forth in 18 U.S.C. § 3553(a), may terminate a term of supervision
16 previously ordered and discharge a defendant convicted of a felony at any time after the expiration
17 of one year of supervised release. 18 U.S.C. § 3583(e)(1). Additionally, this court finds instructive
18 the standards adopted by the Judicial Conference Committee on Criminal Law, which elaborate
19 on the statutory factors of § 3553(a):

- 20 1. stable community reintegration (e.g., residence, family, employment);
- 21 2. progressive strides toward supervision objectives and in compliance [sic] with
- 22 all conditions of supervision;
- 23 3. no aggravated role in the offense of conviction, particularly large drug or fraud
- 24 offenses;
- 25 4. no history of violence . . .
- 26 5. no recent arrests or convictions. . .
- 27 6. no recent evidence of alcohol or drug abuse;
- 28 7. no recent psychiatric episodes;
8. no identifiable risk to the safety of any identifiable victim; and

1 9. no identifiable risk to public safety . . .
2 *United States v. Weintraub*, 371 F. Supp. 2d 164, 166 (D. Conn. 2005); *see also United States v.*
3 *Bastien*, 111 F. Supp. 3d 315, 321 n.5 (E.D.N.Y. 2015), *appeal dismissed* (Sept. 30, 2015); *United*
4 *States v. Etheridge*, 999 F. Supp. 2d 192, 195 (D.D.C. 2013); *United States v. Wilson*, No. CR 01-
5 0553 (ES), 2017 WL 3332261, at *2 (D.N.J. Aug. 4, 2017); *United States v. Lagone*, No. 10-CR-
6 818 (JFB), 2017 WL 606016, at *2 (E.D.N.Y. Feb. 15, 2017).

7 Finally, after weighing the relevant § 3553(a) factors, a district court may terminate the
8 defendant's supervised release “at any time after the expiration of one year of supervised release”
9 if the court is satisfied that early termination is warranted by the conduct of the defendant and early
10 termination is in the interest of justice. 18 U.S.C. § 3583(e)(1); *Etheridge*, 999 F. Supp. 2d at 195.

11 **III. Discussion**

12 Lill was convicted of a felony and has served over one year of supervised release. Thus,
13 he meets the threshold requirement to request early termination of his supervised release. *See* 18
14 U.S.C. § 3583(e)(1).

15 After considering the factors this court must consider in 18 U.S.C. § 3553(a), this court
16 finds the following. Lill was convicted of a drug-related offense and for this offense has already
17 served two years and ten months of pretrial supervision, 18 months of imprisonment, and to date,
18 nearly two years of supervised release. During all of this time, Lill has not reoffended, has not
19 violated the terms of his supervision or committed any violations while incarcerated, has no violent
20 criminal history, has since become a productive, lawfully employed member of the community,
21 raises his son and provides him a stable home, and has demonstrated that he no longer poses a
22 threat to the public of reoffending. Given these circumstances, this court finds that Lill’s time
23 served, including the manner in which he served it, has adequately reflected the seriousness of his
24 offense, promoted respect for the law, constitutes just punishment, and that further supervised
25 release is not in the interest of justice nor warranted by his conduct. 18 U.S.C. § 3553(a)(1); 18
26 U.S.C. § 3583(e)(1); *cf.* 18 U.S.C. § 3553(a)(2)(A).

27 The elaborated factors set forth by the Judicial Conference Committee on Criminal Law
28 also weigh in favor of early termination of supervised release. Lill has demonstrated a stable

1 community reintegration, raising his son and engaging in lawful employment as the acting CEO
2 of a real estate company. He has complied with all terms of supervision and has made
3 progressive strides toward supervision objectives. He did not receive an enhancement for
4 playing an aggravated role in the offense of conviction. He has no history of violence. He has
5 no recent arrests or convictions. He has not returned a single positive drug test in the history of
6 his pretrial supervision, incarceration, and supervised release. He has had no known recent
7 psychiatric episodes. Finally, he poses no identifiable risk to the safety of a person or the public.

8 This court finds that Lill has served the sentence he deserved. Accordingly, the court is
9 satisfied that Lill's conduct and the interests of justice warrant an immediate termination of
10 supervised release. *See* 18 U.S.C. § 3583(e)(1).

11 Accordingly,

12 IT IS HEREBY ORDERED that defendant Jacob Lill's motion for early termination of
13 supervision (ECF No. 349) is GRANTED.

14 IT IS FURTHER ORDERED that Lill's term of supervised release is hereby terminated
15 as of the date of the entry of this order.

16 DATED August 22, 2017.

17 
18 UNITED STATES DISTRICT JUDGE